

WAGANAKISING ODAWAK STATUTE 2021-xx
DEPARTMENT of PUBLIC WORKS STATUTE

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SECTION I. PURPOSE

This Statute is hereby enacted to establish the Department of Public Works that shall plan, administer, and manage for the telecommunications, utility, roads and transportation activities for the Little Traverse Bay Bands of Odawa Indians Tribe and Tribal Citizens.

SECTION II. DEFINITIONS

- A. “Department”** means Department of Public Works.
- B. “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians”** means *“areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855, 11 Stat.621.”* Little Traverse Bay Bands Constitution, Article V(A)(1)(a).
- C. “Tribal Citizen”** means an enrolled member of the Little Traverse Bay Bands of Odawa Indians.
- D. “Tribe”** means the Little Traverse Bay Bands of Odawa Indians.

SECTION III. CREATION OF THE DEPARTMENT

A. Pursuant to Article VII (D) (22) of the Tribal Constitution the Tribal Council shall have the power to: “Approve the creation or dissolution of Executive divisions or departments to promote and protect the peace, health, safety, education, and general welfare, including but not limited to cultural and natural resources, of the Little Traverse Bay Bands of Odawa Indians and its members”.

1 **B.** The Tribal Council hereby approves the creation of the Department of Public Works
2 within the Executive Branch of government.
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5 **SECTION IV. AUTHORITY AND DUTIES**
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7 **A.** The Department shall have the following duties:
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9 **1.** Formulate overall administrative and operating policies and procedures necessary
10 for effective management of the department.

11 **2.** Implement and enforce policies and procedures for the department's operations to
12 ensure compliance with guidelines, rules, regulations and requirements set by the funding
13 sources and the Tribe.

14 **3.** Ensure accountability of tribal funds and resources, with guidelines, including the
15 enforcement of and compliance with policies, rules, regulations and tribal laws.

16 **4.** Seek additional funding for department development, expansion, and
17 improvements.

18 **5.** Periodically review fiscal allocations to ensure that expenditures are made
19 according to planned departmental activities and authorized budgets.

20 **6.** Procure telecommunications and utility services for the Tribe and its Tribal
21 Citizens contingent upon the availability of funds.

22 **7.** Conduct annual audit on usage and inventory of equipment for
23 telecommunications and utility services to ensure proper accountability.

24 **8.** Inventory roads and transportation needs.

25 **9.** Develop strategies and plan for roads and transportation.

26 **10.** Negotiate with service providers to deliver quality of service at competitive rates.

27 **11.** Ensure the timely submission of service requests and subsequent completion and
28 resolution.

29 **12.** Ensure the timely review, analysis, and submission of invoices for payment to
30 services providers.

31 **13.** Recommend cost saving measures to ensure the efficient use of resources.

32 **14.** Keeping abreast of emerging technologies through research and training.

33 **15.** Provide general training on telecommunication equipment usage and services.

34 **16.** Conduct public service awareness campaigns in partnership with other entities.

35 **17.** Administer Energy and Utility -based programs, grants and projects

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SECTION V. AUTHORITY

A. The Department shall have the following duties:

- 1.** To acquire, construct, operate, maintain, promote and expand utility systems furnishing electric, gas, water, sewer, cellular radio and telephone services within the Tribe’s Territorial Jurisdiction.
- 2.** To initiate, acquire, operate, maintain, promote and provide, alone or in conjunction with others, services and facilities both within and beyond the boundaries of the Little Traverse Bay Bands of Odawa Indians Territorial Jurisdiction.
- 3.** To provide utility service to the Tribe and its Tribal Citizens at the lowest possible cost consistent with prudent fiscal responsibility.
- 4.** To use the revenues of the Department.
- 5.** Apply for grant funding.

B. Ancillary. To do everything necessary, proper, advisable, or convenient for the accomplishment of the purposes herein above set forth, and to do all things incidental thereto or connected therewith, which are not forbidden by law, regulation, or policy.

C. Any revenue collected by the Department shall be retained by the Department in a dedicated fund; and any unspent funds shall be carried over annually and retained by the Department to be used for the following purposes, which are listed below in the order of the priority of use:

- 1.** To pay the costs of operations and maintenance.
- 2.** To amortize the loans of the Department.
- 3.** To fund an adequate Renewal and Replacement fund.
- 4.** To educate the Tribe and its Tribal Citizens in the proper, efficient and economical use of all utilities.
- 5.** To accelerate the retirement of long-term debt.
- 6.** To provide a fair return to the Tribe on its investment.

D. To make contracts or agreements, incur liabilities and borrow money from any

1 source, upon such terms and rates and interests as the Department may determine; to
2 issue notes, bonds and other obligations and secure any of its obligations by specifically
3 mortgaging, pledging or assigning the Department’s property or income as collateral for its debts
4 or liabilities, with prior approval of the Tribal Council.

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6 **E.** The Department may negotiate for the acquisition of real property (by purchase,
7 exchange, lease, hire or otherwise), utilize, improve, manage, operate, and to negotiate the sale,
8 lease, or mortgage of, either alone or in conjunction with others, necessary or incidental to the
9 purposes set forth this Statute. The Department shall obtain approval by Tribal Council prior to
10 the finalization of any acquisition or encumbrance of real property.

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12 **F.** In accordance with the Tribal Constitution, before any real property may be sold, convey,
13 or otherwise dispose of all or any part, must be approved by a majority vote by referendum of the
14 L TBB Tribal Citizens, or by a quorum of LTBB Tribal Citizens at an annual membership
15 meeting.

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18 **SECTION VI. STAFFING**

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20 **A.** The Department of Public Works shall be administered by a Director. The Director shall
21 supervise all administrative personnel within the Department.

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23 **B.** The Director has the authority to hire personnel to carry out the organizational duties and
24 responsibilities contingent upon availability of funds.

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27 **SECTION VII. REGULATIONS REQUIRED**

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29 Regulations shall be developed by the Executive Branch and presented to Tribal Council
30 for approval in accordance with the Administrative Procedures Act.

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33 **SECTION VIII. APPROPRIATIONS AUTHORIZED**

1 The Department of Public Works shall be included in the Executive budget and funded
2 annually. The Executive may request additional supplemental funds necessary to meet the
3 obligations of this Statute; and the Executive shall present Tribal Council with future annual
4 budgets necessary to implement this statute.

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7 **SECTION IX. SEVERABILITY**

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9 If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for
10 any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion
11 shall be deemed a separate, distinct and independent provision and such holding shall not affect
12 the validity of the remaining portions thereof.

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15 **SECTION X. EFFECTIVE DATE**

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17 Effective upon signature of the Executive or 30 days from Tribal Council approval which
18 ever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of
19 the veto.

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CERTIFICATION

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